

Filing Instructions

1. Guidelines and Requirements for Filing

A. Venue

1. Pursuant to 28 USC 1408, a case under title 11 may be commenced in the district in which the domicile, residence, principal place of business in the United States, or principal assets in the United States, of the person or entity that is the subject of such case have been located for the one hundred and eighty days immediately preceding such commencement, or for a longer portion of such one-hundred-and-eighty day period than the domicile, residence, or principal place of business, in the United States, or principal assets in the United States, of such person were located in any other district; or in which there is pending a case under title 11 concerning such person's affiliate, general partner, or partnership.

B. Form and Copies

1. Requirements of Form (Conventional and Electronic Filing)
 - a. Legibility: Papers shall be plainly and legibly type-written, printed, or reproduced.
 - b. Caption, Official Forms: The caption and form of all petitions shall be in compliance with the Bankruptcy Rules, Official Forms, and Local Rules.
 - c. Size, Margins, etc: Papers, including attachments and exhibits, shall be of standard weight and letter size (8 ½ by 11 inches).
 - d. Electronic filings should not be more than one(1) megabyte in size. Transmission time for effecting such filings is time sensitive. Filings that take more than five (5) minutes to transmit, for security reasons, will time out.
2. Number of copies (Pro Se petition)
 - a. Chapter 7 - Original
 - b. Chapter 13 - Original
 - c. Chapter 12 - Original
 - d. Chapter 11 - Original

C. Documents to accompany petition

1. Each petition filed must be accompanied by:
 - a. An unsworn declaration with the electronic/ (original if pro se) signature of all

debtors and the electronic signature of the debtor's attorney, if any. More than one entity cannot be listed as the debtor, except that husband and wife may file a joint petition.

- b. Either: The proper filing fee paid by cash, cashiers cheque, certified cheque, money order, a cheque drawn on the firm of an attorney who has previously been admitted to practice before the U. S. Bankruptcy Court for the Western District of Virginia, or a motion for extension of time to pay filing fees, pursuant to Local Rule 1006A. Cases filed electronically shall be paid electronically via the internet by means of the on-line credit card payment systems required by the Court. All payments are to be made contemporaneously with the filing.
- c. A schedule of affairs, assets and liabilities on the approved bankruptcy form or a chapter 13 statement, if applicable.
- d. If the debtor is a corporation, a copy of the corporate resolution or other appropriate authorization, duly attested to, authorizing the filing.
- e. If a Chapter 11 petition, a list of the 20 largest unsecured creditors pursuant to Bankruptcy Rule 1007(d).
- f. The Mailing Matrix:

1) Controlling as List of Creditors: The matrix is to be a complete list of creditors of the case, and should any discrepancies appear between the matrix and the list of creditors filed within the official form required, the matrix shall be controlling. The filing of this mailing matrix is certification that it is a complete and correct list of all creditors of the debtor.

2). Requirements for Master Mailing Lists:

- (a)The master mailing list shall include the names and addresses of all creditors, in alphabetical order.
- (b)Items should be typed.
- (c)The list is to be in a single vertical column with no grid lines.
- (d)There should be at least 2 blank lines above and below each creditor name and address combination.
- (e)Reflect the case name ONLY in the 1 inch top margin. Exclude the name and address of the debtor, joint debtor, attorney for debtor, United States Trustee and case trustee from the master mailing list. This information will be added in our office.
- (f)Individuals must be listed as last name (comma) (space) first name with no periods: Ex: Doe, John Jr)

- (g) Each entry should consist of 3 or 4 lines
 - (h) Leave at least one single space between the city and state and zip code. A comma between them is unnecessary: Ex: ROANOKE VA 24010.
 - (i) Use the official United States Postal Service state abbreviations.
 - (j) Addresses shall include zip codes.
- 3) Incomplete Addresses: An address containing only a name, or name and incomplete address will not be mailed.
- 4) Adding Creditors: When an addition of five or more creditors is made to the mailing list, the entire mailing list is **not** to be filed. A supplemental mailing list, containing only the newly added names and addresses of those creditors added shall be filed.
- 5) Change of Address: The pro se debtor shall notify the Clerk in a separate letter of a change of mailing address for the debtor. All electronic registrants are required to maintain a current and active postal mailing and e-mail address to receive notifications.
- 6) Format for Filing: Conventional Mailing Matrix filed with the Court must either be presented on:
- (a) Diskette: (*preferred method*)
 - (i) Only 3 " High Density (HD) MS Dos format diskettes will be accepted.
 - (ii) Include only one case on each diskette.
 - (iii) Save the file to the diskette in a generic ASCII format only.
 - (iv) Diskettes will be returned only if they are clearly labeled with your name. They will then be available at the Clerk's office for pick up.
 - (b) Paper:
 - (i) Paper should be 8 1/2" by 11" white bond.
 - (ii) Margins should be 1 inch minimum top, bottom and left.
 - (iii) Font should be a Roman font, no smaller than 12 point.

D. Fees

Filing fees: Except as otherwise provided, every petition shall be accompanied by the

prescribed filing fees. Payment of filing fees will only be accepted by the Office of the Clerk if it is tendered in cash, cashier's cheque, certified cheque, money order, or a cheque drawn on the firm of an attorney who has previously been admitted to practice before the U. S. Bankruptcy Court in the Western District of Virginia. Cases filed electronically shall be paid electronically via the internet by means of the on-line credit card payment systems required by the Court. All payments are to be made contemporaneously with the filing.

A motion for extension of time to pay filing fee may be submitted at the time of filing a new petition, but the \$39.00 administrative fee must be paid at the time of filing or a 10 day order will be entered. The motion shall state that the applicant is unable to pay the filing fee at the time of the filing of the petition and that the applicant has paid no money and transferred no property to his attorney for services in connection with the case. The Court may enter an order extending the time within which the filing fee is to be paid to a date no later than the date set for the discharge or confirmation hearing. For cause shown, however, the Court may extend the time for payment to a date not later than six (6) months after the date of filing the petition. The attorney for the debtor shall be responsible for accumulating any installment payments made by the debtor toward the payment of the filing fee in full within such time as prescribed by the Court.

E. Required Lists, Schedules, Statements and Fees

1. Voluntary Chapter 7 Case:

The filing fee assessed will be pursuant to the provisions of 28 USC 1930(b). See menu selection for filing fees.

Filing fee can be deferred upon proper application.

If the fee is to be deferred, the debtor must be an individual and must submit a signed application for Court approval.

Voluntary Petition Page - Must be submitted to file case.

Means Testing - Official Form B22A

Certification of Credit Counseling

Corporate Resolution (if applicable)

Statement of Intention Regarding Secured Property

Statement of Financial Affairs

Schedule A - Real Property

Schedule B - Personal Property

Schedule C - Property Claimed as Exempt

Schedule D - Creditors Holding Secured Claims

Schedule E - Creditors Holding Unsecured Claims

Schedule F - Creditors Holding Unsecured Non Priority Claims

Schedule G - Executory Contracts and Unexpired Leases

Schedule H - Co-debtors

Schedule I - Current Income of Individual Debtor(s)

Schedule J - Current Expenditures of Individual Debtor(s)

Summary of Schedules

Declaration Concerning Debtor's Schedules

Statement Disclosing Compensation paid to or promised to be paid to the Attorney
for Debtor

Matrix - Must be submitted to file case

Statement of Intention, Statement of Financial Affairs, Schedules A through J,
Summary of Schedules, Declaration and Statement Disclosing Compensation
must be submitted with the petition or within 15 days.

2. Voluntary Chapter 11 Case:

The filing fee assessed will be pursuant to the provisions of 28 USC 1930(b). See
menu selection for Filing Fees.

If the fee is to be deferred, the debtor must be an individual and must submit a
signed application for court approval.

Voluntary Petition Page - Must be submitted to file case.

List of Creditors Holding the 20 Largest Unsecured Claims. - Must be submitted with
the petition.

Names and Addresses of Equity Security Holders of the Debtor.

Exhibit A

Corporate Resolution (if applicable)

Statement of Financial Affairs

Schedule A - Real Property

Schedule B - Personal Property

Schedule C - Property Claimed as Exempt

Schedule D - Creditors Holding Secured Claims

Schedule E - Creditors Holding Unsecured Claims

Schedule F - Creditors Holding Unsecured Nonpriority Claims

Schedule G - Executory Contracts and Unexpired Leases

Schedule H - Co-debtors

Schedule I - Current Income of Individual Debtor(s)

Schedule J - Current Expenditures of Individual Debtor(s)

Summary of Schedules

Declaration Concerning Debtor's Schedules

Matrix - Must be submitted to file case.

Statement of financial affairs and schedules must be submitted with petition or within 15 days.

3. Chapter 12 Case:

The filing fee assessed will be pursuant to the provisions of 28 USC 1930(b). See menu selection for Filing Fees.

If the fee is to be deferred, the debtor must be an individual and must submit a signed application for court approval.

Voluntary Petition Page - Must be submitted to file case.

Chapter 12 Statement

Names and Addresses of Equity Security Holders of the Debtor. Required ONLY if the Debtor is a Corporation.

Corporate Resolution (if applicable)

Statement of Intention Regarding Secured Property.

Statement of Financial Affairs for a Debtor Engaged in Business

Schedule A - Real Property

Schedule B - Personal Property

Schedule C - Property Claimed as Exempt

Schedule D - Creditors Holding Secured Claims

Schedule E - Creditors Holding Unsecured Claims

Schedule F - Creditors Holding Unsecured Nonpriority Claims

Schedule G - Executory Contracts and Unexpired Leases

Schedule H - Co-debtors

Schedule I - Current Income of Individual Debtor(s)

Schedule J - Current Expenditures of Individual Debtor(s)

Summary of Schedules

Declaration Concerning Debtor's Schedules

Statement Disclosing Compensation paid to or promised to be paid to the Attorney
for Debtor

Matrix - Must be submitted to file case.

Statement of Financial Affairs and Schedules must be submitted with Petition or
within 15 days.

4. Chapter 13 case:

The filing fee assessed will be pursuant to the provisions of 28 USC 1930(b). See
menu selection for Filing Fees.

In addition, a \$39.00 administrative notice fee must be paid to file case.

The filing fee can be deferred upon proper application

If the fee is to be deferred, the debtor must submit a signed application for
court approval.

Voluntary Petition Page - Must be submitted to file case.

Certification of Credit Counseling

Statement of Financial Affairs

Schedule A - Real Property

Schedule B - Personal Property

Schedule C - Property Claimed as Exempt

Schedule D - Creditors Holding Secured Claims

Schedule E - Creditors Holding Unsecured Claims

Schedule F - Creditors Holding Unsecured Non Priority Claims

Schedule G - Executory Contracts and Unexpired Leases

Schedule H - Codebtors

Schedule I - Current Income of Individual Debtor(s)

Schedule J - Current Expenditures of Individual Debtor(s)

Summary of Schedules

Declaration Concerning Debtor's Schedules

Statement Disclosing Compensation paid to or promised to be paid to the Attorney
for the Debtor

Chapter 13 Plan

Matrix - Must be submitted to file case.

Statement of Financial Affairs, Schedules A through J, Summary of Schedules,
Declaration, Statement Disclosing Compensation, Chapter 13 Plan and Chapter
13 Summary of Plan must be submitted with the Petition or within 15 days.

F. **Emergency Filings**: Documents required for filing emergency petitions:

in chapter 7, 12, and chapter 13 cases include: Voluntary petition (2 pages) and matrix list of
creditors

In chapter 11 - Voluntary petition (2 pages), list of 20 largest unsecured creditors, and matrix
list of creditors..

Corporate Resolution (if applicable)

G. **Faxed filings**: Faxed filings of petitions and other pleadings are not accepted by the Clerk's
Office.